

Office of Public Advocacy Administrative Policies

Subject: Client Grievance Procedure

Effective date: 12/15/2010

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1.0 POLICY

The Office of Public Advocacy has established the following procedures for clients alleging grievances against the Assistant Public Advocate assigned to the client's case and the contract attorney assigned to the client's case.

2.0 PROCEDURE FOR CLIENT GRIEVANCE AGAINST ASSISTANT PUBLIC ADVOCATES

2.1 WRITTEN COMPLAINT

Any client alleging grievance against the Assistant Public Advocate assigned to the client's case shall complete a written statement of grievance and submit it to the appropriate Supervising Assistant Public Advocate for the office housing their assigned Assistant Public Advocate.

2.2 IMMEDIATE ACTION ON WRITTEN COMPLAINT

Upon receipt of a signed, written complaint against an Assistant Public Advocate, the Supervising Assistant Public Advocate for the office housing the assigned Assistant Public Advocate shall take the following immediate actions:

- A. Contact the complainant (either in person or via telephone) for the purpose of obtaining further clarification regarding the facts alleged;**
- B. Provide the respondent attorney with a complete copy of the complaint and follow up statement if any;**
- C. Carefully review the complaint; and**
- D. Meet with the respondent attorney to discuss appropriate action to be taken.**

2.3 WRITTEN DECISION BY SUPERVISING ASSISTANT PUBLIC ADVOCATE

Following step 2.2, and within 15 business days of receiving the complaint, the Supervising Assistant Public Advocate shall make a decision regarding action, if any, to be taken by the respondent attorney and shall, thereafter, advise the complainant of the decision in writing. The decision by the Supervising Assistant Public Advocate may include reassigning the case

within the home office to another Assistant Public Advocate. Reasons for the change of counsel shall be documented in the Supervising Assistant Public Advocate's file but shall not be provided to the court, to new counsel, or to opposing counsel.

2.4 REQUEST FOR REPRESENTATION HEARING

If the complainant decides, after proper notification from the Supervising Assistant Public Advocate, that the complainant nonetheless wishes to pursue the grievance with the court of record, the Supervising Assistant Public Advocate shall notify the respondent attorney in writing to immediately secure a representation hearing for the client with the court of record.

3.0 PROCEDURE FOR CLIENT GRIEVANCE AGAINST SUPERVISING ASSISTANT PUBLIC ADVOCATES AND CONTRACT ATTORNEYS

3.1 WRITTEN COMPLAINT

Any client alleging a grievance against the Supervising Assistant Public Advocate assigned to the client's case or a Contract Attorney assigned to the client's case shall complete a written statement of grievance and submit it to the home office of the Supervising Assistant Public Advocate or the office of the Contract Attorney. The office shall review the complaint for purposes of screening out confidential case related information and then forward the screened complaint form to the Deputy Director. If a complaint form is sent directly by a client to the OPA administrative section, it will immediately be routed by mail staff to the Supervising Assistant Public Advocate or Contract Attorney's home office for screening out of confidential case related information, with a cover letter reflecting this policy and the requirement that the screened complaint be submitted to the Deputy Director within 10 working days.

3.2 IMMEDIATE ACTION ON WRITTEN COMPLAINT

Upon receipt of a signed, written complaint against a Supervising Assistant Public Advocate or a Contract Attorney, the Deputy Director shall take the following immediate actions:

- A. Contact the complainant for the purpose of obtaining further non-confidential case related clarification regarding the facts alleged;
- B. Provide the respondent attorney with a complete copy of the complaint and follow up statement if any;
- C. Carefully review the complaint; and
- D. Meet with the respondent attorney to discuss appropriate action to be taken.

3.3 REQUIREMENT OF THE REVELATION OF CONFIDENTIAL CASE INFORMATION FOR RESOLUTION OF COMPLAINT

- A. If the Deputy Director determines that the complaint cannot be resolved without the client divulging confidential case related information, the client will be advised in writing by the Deputy Director that the Court will need to resolve the grievance;**
- B. If the complainant decides, after proper notification from the Deputy Director, that the complainant nonetheless wishes to pursue the grievance with the court of record, the Deputy Director shall notify the respondent attorney in writing to immediately secure a representation hearing for the client with the court.**

3.3 WRITTEN DECISION BY DEPUTY DIRECTOR REGARDING COMPLAINTS THAT CAN BE RESOLVED WITHOUT THE DISCLOSURE OF CONFIDENTIAL CASE RELATED INFORMATION

If it is determined by the Deputy Director that the complaint can be addressed without the disclosure of confidential case related information, the Deputy Director shall make a decision regarding action, if any, to be taken by the respondent attorney and shall, thereafter, advise the complainant of the decision in writing. The decision by the Deputy Director may include reassigning the case to different counsel. Reasons for the change of counsel shall be documented in the Deputy Public Defender's file but shall not be provided to the court, to new counsel, or to opposing counsel.

3.4 Request For Representation Hearing

If the complainant decides, after proper notification from the Deputy Director, that the complainant nonetheless wishes to pursue the grievance with the court of record, the Deputy Director shall notify the respondent attorney in writing to immediately secure a representation hearing for the client with the court of record.

***This Grievance Procedure does not apply to the Public Guardian, Assistant Public Guardians or Guardian ad Litem.**